Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

F.A. No.973 of 2001
(Old No. 616/95)

Oil and Natural Gas Corporation,
Through the Chief Manager (P.A.)
Tel Bhawan, Dehradun ……Applicant/Appellant

Versus

1. The Collector, Dehradun.
2. Raghubir Singh
3. Manjit Singh

(Sons of late Shri Madan Singh, Kaulagarh, Dehradun)
……Respondents

Shri L.P. Naithani, Senior Advocate for appellant.
Learned Standing Counsel for State.

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

Date: October 25, 2004

Heard.

This appeal has been filed by the Appellant- O.N.G.C. against the award dated 20.05.1995 made by Smt. Sadhna Chaudhary, Second Additional District Judge, Dehradun in Land Acquisition Case. No.399 of 1989 Raghubir Singh Vs. Collector, Dehradun made under Section 18 of the Land Acquisition Act for enhancement of the compensation.

The only argument advanced in this appeal is that the opposite party – O.N.G.C. was not heard by the reference court and no notice was issued to it as the compensation is to be paid by the O.N.G.C. which is a necessary party in this case. In view of the law laid down by the Apex Court in (***1995***) ***2 Supreme Court Cases page 326, U.P. Awas Evam Vikas Parishad versus Gyani Devi (Dead) by Lrs. and***

others, the authority has right to appear and adduce evidence in proceedings before reference court for determination of compensation. Therefore, on this point, we allow this appeal and remand the matter to the reference court to decide the references taking into account the evidence led by the parties. Till the decision in both the reference cases, the amount deposited in this appeal shall remain deposited and the payment made shall not be recovered. The reference court is directed to decide both these cases within a period of three months from the date of production of certified copy of this order.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang